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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 JAMES A. REECE,

11 Plaintiff,

12 v.

13 UNITED STATES POSTAL SERVICE,
14 JULIO RODRIGUEZ, and CALVIN
15 EDWARDS,

16 Defendants.

Case No. 09-5054RJB

ORDER GRANTING
PLAINTIFF'S MOTION TO
AMEND COMPLAINT

17 This matter comes before the Court on Plaintiff's July 2, 2009 filing entitled "Motion."
18 Dkt. 9. The Court has considered the relevant documents and the remainder of the file herein.

19 On March 10, 2009, Plaintiff filed a complaint alleging employment discrimination. Dkt.
20 4. On June 18, 2009, the Court rescheduled the Joint Status Report due date to July 17, 2009,
21 and reminded the Plaintiff that a summons and complaint must be served on the Defendants or the
22 Court may dismiss the action without prejudice under Fed.R.Civ.P. 4(m). Dkt. 7. On July 2,
23 2009, the Plaintiff filed a document entitled "Motion." The Court will consider the Plaintiff's
24 filing a motion to amend complaint because it adds a party, Jennie Sapp, who was not previously
named in the original complaint.

25 Fed.R.Civ.P. 15(a)(1) states that a party may amend its pleading once as a matter of
26 course before being served with a responsive pleading or within 20 days after serving the pleading
27 if a responsive pleading is not allowed and the action is not yet on the trial calendar. The
28 Defendants have not responded to the pleadings and therefore, the Plaintiff may amend his

1 complaint. However, the Plaintiff is reminded he must serve a summons and complaint on the
2 Defendant or his complaint may be dismissed without prejudice.

3 Fed.R.Civ.P. 4(b) states:

4 On or after filing the complaint, the plaintiff may present a summons to the clerk
5 for signature and seal. If the summons is properly completed, the clerk must sign,
6 seal, and issue it to the plaintiff for service on the defendant. A summons - or a
copy of a summons that is addressed to multiple defendants - *must* be issued for
each defendant to be served. (emphasis added).

7 Fed.R.Civ.P. 4(c) states:

8 *A summons must be served with a copy of the complaint.* The plaintiff is
9 responsible for having the summons and complaint served within the time allowed
10 by Rule 4(m) and must furnish the necessary copies to the person who makes
11 service. (emphasis added).

12 Fed.R.Civ.P. 4(m) states:

13 If a defendant is not served within 120 days after the complaint is filed, the court -
14 on motion or on its own after notice to plaintiff - must dismiss the action without
15 prejudice against the defendant or order that service be made within a specified
16 time. But if the plaintiff shows good cause for the failure, the court must extend
17 the time for service for an appropriate period.

18 The Plaintiff is reminded that he has 120 days from the date of the amended complaint to
19 serve Defendants with a copy of the summons and amended complaint.


20 The Court, for the aforementioned reasons, does hereby ORDER:

21 The Plaintiff's motion to amend complaint (Dkt. 9) is **GRANTED**;

22 The Plaintiff's filing (Dkt. 9) will be considered the amended complaint; and

23 Jeannie Sapp is added as a party to the Plaintiff's action.

24 DATED this 8th day of July, 2009.

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Robert J Bryan
United States District Judge